

LAW OFFICES

ABER, GOLDLUST, BAKER & OVER

(AN ASSOCIATION OF LAW PRACTICES)

702 KING STREET, SUITE 600

P.O. Box 1675

WILMINGTON, DELAWARE 19899-1675

GARY W. ABER, P.C.

PERRY F. GOLDLUST, P.A.\*

DARRELL J. BAKER, P.A.

SUSAN C. OVER, P.C.

SHAUNA T. HAGAN

SAAGAR B. SHAH

(302) 472-4900

TELECOPIER (302) 472-4920

April 19, 2007

\*ALSO ADMITTED IN NEW YORK

\*\*ALSO ADMITTED IN PENNSYLVANIA

The Honorable Gregory M. Sleet  
United States District Court  
844 King Street  
Wilmington, DE 19801

RE: Hamilton/Elohim v. Guessford, et.al.  
C.A. No.: 04-1422 (GMS)

Dear Judge Sleet:

I write to the Court with regards to a second discovery dispute, and Your Honor's directions contained, in Paragraph 3(a) of the Court's Scheduling Order.

As you will recall, this is a suit by the plaintiff against the defendants for an approximate four year "overstay" of his period of incarceration, beyond the date which he should have been released. As a part of this case, with regards to damage portion of the case, the plaintiff had requested from the defendant to produce all of his medical records. While the defendant has produced some medical records, they seemed to have withheld certain medical records.

Attached to this letter, as Exhibit No. 1 is a memorandum from the medical service providers of the Delaware Department of Corrections. As you can see, it lists various consultations, contacts, and medication supplied to the plaintiff during the four years which he was held beyond his release date. This information is critical to show the emotional/mental suffering that the plaintiff suffered during that period of "overstay". The defendants have failed to produce those records, which should have been within either their custody, or control. The defendants merely state, when I ask for the documents, that they have given to me everything that they have. Despite my efforts to have them search for these documents, they will not provide them to me. It would seem to the plaintiff that if those records are not in defendants' physical custody, in Delaware, since Prison Health Services, Inc., contracted with the Delaware Department of Corrections, they are thus, within the Department's control, if not custody, and, they could obtain them.

The Honorable Gregory M. Sleet  
April 19, 2007  
Page Two

The plaintiff would request an order directing the defendants to either search and/or produce the requested records, or to obtain them from their contracted agents.

Thank you for Your Honor's consideration.

Respectfully,

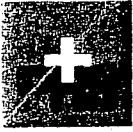
/s/ Gary W. Aber

Gary W. Aber

GWA/mac

cc: Eileen Kelly, Esquire  
Mr. Jerome K. Hamilton

# EXHIBIT 1



## Prison Health Services, Inc.

TO: Inmate Grievance Chair  
FROM: Daphne Carroll, M.C. *DC*  
Mental Health Site Supervisor  
DATE: March 29, 2000  
RE: Inmate Grievance No. Med0003024

This department is very familiar with the inmate Jerome Hamilton and he has been receiving services from this department for many years. Following are the dates that reflect our contacts and the nature of the contacts over the past year.

3/15/00	medications changed
3/14/00	therapist contact
2/29/00	therapist contact
2/16/00	psychiatric contact
2/11/00	therapist contact
1/19/00	psychiatric contact
1/7/00	therapist contact
12/10/99	therapist contact
12/8/99	psychiatrist contact
11/29/99	therapist contact
10/28/99	therapist contact
10/27/99	psychiatrist contact
10/8/99	therapist contact
8/31/99	interviewed for group participation - inmate declined
8/11/99	completed individual sessions with therapist Crowley
8/10/99	psychiatrist contact
1/99 to 8/99	individual therapy with therapist Crowley